

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION
(COLUMBUS)**

JESSE J. COWANS,)	
	:	
<i>Petitioner,</i>)	
	:	
vs.)	Case No. C-1-00-618
	:	Judge Edmund A. Sargus, Jr.
MARGARET BAGLEY, WARDEN,)	Magistrate Judge Mark R. Abel
	:	
<i>Respondent.</i>)	

ATTORNEY CAROL WRIGHT'S MOTION TO WITHDRAW

Now comes Attorney Carol A. Wright, and moves this court to permit her to withdraw from representing Petitioner. The reasons for this Motion are more fully developed in the attached memorandum.

Respectfully submitted,

/s/ Carol A. Wright
Carol A. Wright (0029782)
318 Berger Alley
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(614) 224-2999

and

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Counsel for Petitioner, Jesse Cowans

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**MEMORANDUM IN SUPPORT OF ATTORNEY CAROL WRIGHT'S
MOTION TO WITHDRAW**

Petitioner filed a motion on January 23, 2004 to stay this case pending exhaustion of his state Rule 26(B) application for reopening. The Rule 26(B) application was filed in the Ohio Supreme Court on January 23, 2004 by new counsel from the Ohio Public Defender's Office. In that application, Petitioner Cowans raised a claim of Ineffective Assistance of Appellate Counsel. That claim was not raised in Cowans' initial or amended petition for habeas relief. On September 28, 2004, this Court granted the stay and ordered Petitioner to submit monthly status reports advising the Court of the status of the state proceedings. The state proceedings were completed on August 9, 2004 and no further appeal has been taken from the denial of Petitioner's Rule 26(B) application. Petitioner is filing contemporaneously with this motion, a Second Motion for Leave to Amend Habeas Corpus Petition. In that Motion, he seeks to amend his petition to include the ground of ineffective assistance of appellate counsel. He seeks to raise this ground as

a free-standing claim. Additionally, it may also be raised as cause for any alleged default.

Attorney Carol Wright and Attorney Harry Reinhart currently represent Petitioner Cowans. Attorney Carol Wright represented Petitioner on his direct appeal in the Ohio state court.¹ As such, she now faces a conflict of interest in representing Petitioner in litigating the Motion for Leave to Amend Habeas Corpus Petition. Because the Motion seeks to add a claim raising counsel's own ineffectiveness, Attorney Wright must argue her own ineffectiveness. For these reasons, she requests this Court permit her to withdraw and appoint counsel in her place.

Respectfully submitted,

/s/ Carol A. Wright
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Counsel for Petitioner, Jesse Cowans

CERTIFICATE OF SERVICE

I hereby certify that the above document was filed electronically on this 3rd day of November, 2004. Service on all parties will be accomplished through the electronic filing system

¹ Attorney Kristin Burkett was co-counsel in the direct appeal in the Ohio Supreme Court.

/s/ Carol A. Wright
Counsel for Petitioner